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December 14, 2004

Federal Communications Commission  
Office of the Secretary  
Letter of Appeal  
445 - 12<sup>th</sup> Street, SW  
Room TW-A325  
Washington, DC 20554  
(202) 776-0200

DOCKET FILE COPY ORIGINAL

RE: Trans National Communications International, Inc. (Filer 499 ID 817852)  
CC Docket No. 96-45

Dear Sir or Madam:

Trans National Communications International, Inc (TNCI) is submitting a request for an appeal to the filing of the May 2004 499-Q report. TNCI's regulatory reporting company, Telecom Compliance Services (TCS), inadvertently filed inaccurate numbers for this reporting period. The numbers that were filed by TCS were:

Total Revenue: \$11,661,657  
Total Interstate: \$7,305,277  
Total International: \$352,470

The numbers that should have been filed by TCS are:

Total Revenue: \$6,955,827  
Total Interstate: \$4,355,947  
Total International: \$352,307

TCS contends that the form was originally prepared correctly but a system error caused the final version to be populated with old, most likely annual, data. TNCI did not catch the error until the first invoice from USAC on the quarter dated July 2004.

TNCI does understand that the revised 499-Q was submitted after the due date and outside of the 45-day revision window. However, this error has created an additional \$252,038 in liability to TNCI. Due to the enormous liability we are requesting that the revision be allowed and the past due balance be adjusted accordingly.

For your convenience I have provided a copy of all 2004 499-Q reports to substantiate that this was a valid error in reporting. In addition TNCI is providing the revised 499-Q report which will demonstrate the consistency in our quarterly revenues reported to USAC. TNCI has timely paid its monthly USF fees based on the correct quarterly contribution base. TNCI hopes that after investigation of this appeal, the Universal Service Administrative Company and NECA will be in agreement with TNCI and adjust TNCI's past due balance.

If any additional information is needed, please feel free to contact me at the number above.

Sincerely,

  
Erick Robinson  
Tax and Regulatory Specialist

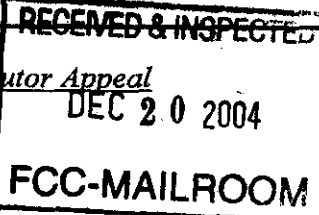
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Universal Service Administrative Company

Administrator's Decision on Contributor Appeal



December 7, 2004

BY FEDERAL EXPRESS

Erick Robinson  
Trans National Communications International  
2 Charlesgate West  
Boston, MA 02215

Re: Trans National Communications International, Inc. (Filer 499 ID 817852)

Dear Mr. Robinson :

The Universal Service Administrative Company (USAC) has completed its evaluation of the letter of appeal submitted on behalf of Trans National Communications International, Inc. (TNCI) dated November 1, 2004 (Appeal). Your Appeal seeks review of USAC's rejection of an untimely-filed FCC Form 499-Q (Form 499-Q or Worksheet).

Summary:

TNCI requests that USAC accept an untimely-filed revision to its May 2004 Form 499-Q which was received on October 15, 2004. The Worksheet was due May 3, 2004 and the revision window closed June 18, 2004. Because TNCI did not submit its revision within the revision window USAC rejected the Worksheet as untimely filed. Because the revision window for the form at issue closed on June 18, 2004, USAC did not err in rejecting the form as untimely filed.

Background:

Federal Communications Commission (FCC) regulations do not require USAC to accept late-filed revisions to the Worksheets. However, in order to improve the accuracy of the revenue reported and to help ensure that the USF remains both predictable and sufficient, the USAC Board of Directors has authorized USAC to allow contributors to file new or revised Annual Worksheets after the original due date.<sup>1</sup> USAC has consistently followed

<sup>1</sup> See Minutes of July 27, 1999, USAC Board of Directors Meeting; see also 47 U.S.C. § 254(b)(5).

this policy by not permitting late-filed Worksheets that have the effect of reducing contributors' USF obligations. Accordingly, since September 1, 1999, contributors have been permitted to file new or revised Annual Worksheets after the original due date and, with respect to reporting revenues that result in decreased contributions, for a period of up to 12 months from the initial due date of the Worksheet in question.

Similarly, for Quarterly Worksheets, up until November 2002, carriers had until the next Quarterly Worksheet due date to file revisions that result in reduced contributions. Effective February 2003, the FCC changed the revision window to 45 days.<sup>2</sup> Thus, the Form 499-Q was due May 3, 2004 and the deadline for revisions that have the effect of decreasing USF contributions was 45 days later, or June 18, 2004.

For all Forms 499-Q, the filing deadline and notice of the revision window are clearly stated in the form instructions, are indicated on the form itself, are discussed in a document entitled "Helpful Hints" that is included with the form, and are posted on USAC's website: [www.universalservice.org](http://www.universalservice.org). In addition, questions concerning forms and revisions can be addressed to USAC's data collection agent via email at "Form499@universalservice.org".

TNCI submitted its revised Form 499-Q on October 15, 2004, after the 45-day revision window closed. Accordingly, USAC rejected the form as untimely filed.

#### Discussion and Remedy:

The FCC's annual reconciliation process provides TNCI with a remedy in this instance. TNCI is required to file a 2005 FCC Form 499-A reporting 2004 annual revenue on April 1, 2005 (2005 Form 499-A). USAC will compare TNCI's reported actual 2004 revenue and reconcile it with the reported 2004 projected collected revenue from the Forms 499-Q. Therefore, assuming, but not concluding that TNCI overreported its third quarter revenue resulting in inflated third quarter monthly charges, TNCI would receive appropriate credits on its invoices beginning in mid-2005.

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<sup>2</sup> See *Federal-State Joint Board on Universal Service, 1998 Biennial Regulatory Review – Streamlined Contributor Reporting Requirements Associated with Administration of Telecommunications Relay Service, North American Numbering Plan, Local Number Portability, and Universal Service Support Mechanisms, Telecommunications Services for Individuals with Hearing and Speech Disabilities, and the Americans with Disabilities Act of 1990, Administration of the North American Numbering Plan and North American Numbering Plan Cost Recovery Contribution Factor and Fund Size, Number Resource Optimization, Telephone Number Portability, Truth-in-Billing and Billing Format*, CC Docket Nos. 96-45, 98-171, 90-571, 92-237, 99-200, 95-116, 98-170, Report and Order and Second Further Notice of Proposed Rulemaking, 17 FCC Rcd 24952 (2002) (*Interim Contribution Methodology Order*), ¶¶ 20-27, Appendix C, p.82 (February 2003 FCC Form 499-Q Instructions); see also *id.* at ¶36.

Erick Robinson  
Trans National Communications International, Inc.  
December 7, 2004  
Page 3

Explanation on Decision:

Because TNCI's submission was received on October 15, 2004, after the due date and after the closing of the 45-day revision window established by the FCC, USAC did not err in rejecting the form as untimely.

Decision on Appeal: Denied.

USAC hereby denies TNCI's Appeal.

If you disagree with USAC's response to your Appeal, you may file an appeal with the FCC. Your appeal must be **POSTMARKED** within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via the United States Postal Service, you should direct the appeal to:

Federal Communications Commission  
Office of the Secretary  
445 – 12<sup>th</sup> Street, SW  
Room TW-A325  
Washington, DC 20554

**Documents sent by Federal Express or any other express mail should use the following address:**

Federal Communications Commission  
Office of the Secretary  
9300 East Hampton Drive  
Capitol Heights, MD 20743  
(8:00 A.M. – 5:30 P.M. ET)

**For hand-delivered or messenger-delivered items, use the following address:**

Federal Communications Commission  
Office of the Secretary  
236 Massachusetts Avenue, NE, Suite 110  
Washington, DC 20002  
(8:00 A.M. – 7:00 P.M.)

For security purposes, hand-delivered or messenger-delivered documents will not be accepted if they are enclosed in an envelope. Any envelopes must be disposed of before entering the building. Hand deliveries must be held together with rubber bands or fasteners.

Erick Robinson  
Trans National Communications International, Inc.  
December 7, 2004  
Page 4

Appeals may also be submitted to the FCC electronically, either by the Electronic Comment Filing System (ECFS) or by fax. The FCC recommends filing with the ECFS to ensure timely filing. Instructions for using ECFS can be found on the ECFS page of the FCC web site. Appeals to the FCC filed by fax must be faxed to 202-418-0187. Electronic appeals will be considered filed on a business day if they are received at any time before 12:00 A.M. (midnight), Eastern Standard Time. Fax transmissions will be considered filed on a business day if the complete transmission is received at any time before 12:00 A.M.

Please be sure to refer to CC Docket No. 96-45 on all communication with the FCC. The appeal must also provide your company's name and Filer ID, plus necessary contact information, including the name, address, telephone number, fax number, and e-mail address of the person filing the appeal. Unless the appeal is by ECFS, please include a copy of the decision at issue.

Sincerely,

*USAC*

Universal Service Administrative Company

cc: Tom Putnam, and Regina Dorsey, FCC Office of Managing Director  
Cathy Carpino, FCC Wireline Competition Bureau  
Hillary DeNigro and Eric Bash, FCC Enforcement Bureau